

PROB. 12B  
(7/93)

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

**United States District Court**

for the

**DISTRICT OF HAWAII**

FEB 13 2007  
at 2 o'clock and 58 min. PM  
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: GERMAN ARCADIA,  
aka "Frankie"

Case Number: CR 00-00245DAE-03

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra  
U.S. District Judge

Date of Original Sentence: 10/14/2003

Original Offense: Count 1: Conspiracy to Possess With Intent to Distribute  
1 Kilogram or more of Heroin, in violation of 21 U.S.C. § 846,  
a Class A felony

Counts 5, 7, 29, 31, and 33-39: Use of a Telephone to Cause or  
Facilitate the Commission of a Conspiracy to Distribute Heroin, in  
violation of 21 U.S.C. § 843(b), Class E felonies

Counts 9, 10, 32, 41, and 42: Aiding and Abetting in the  
Distribution of Heroin, in violation of 21 U.S.C. § 841(a)(1) and  
18 U.S.C. § 2, Class C felonies

Counts 16, 18, and 22: Use of a Telephone to Cause or Facilitate  
the Commission of a Distribution or Possession With Intent to  
Distribute Heroin, in violation of 21 U.S.C. § 843(b), Class E  
felonies

Count 44: Conspiracy to Commit Money Laundering, in violation of  
18 U.S.C. § 1956(h), a Class C felony

Original Sentence: Seventy-eight (78) months imprisonment, to be followed by a five  
(5) year term of supervised release. The following special  
conditions of supervised release were ordered: 1) That the  
defendant must participate in a substance abuse program, which  
must include drug testing for the first 3 years of supervised release,  
thereafter, at the discretion and direction of the Probation Office;

2) That the defendant is prohibited from possessing any legal or dangerous weapons; and 3) That the defendant provide the Probation Office access to any requested financial information.

The subject was also ordered to pay a \$2,100 special assessment fee.

Type of Supervision: Supervised Release    Date Supervision Commenced: 2/17/2006

### PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

*That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision. (mandatory condition).*


### CAUSE

The subject's term of supervised release commenced in the Central District of California (CD/CA) on 2/17/2006. Our office received a letter from the subject's supervising probation officer in that district requesting the above-noted modification. Reportedly, the subject will soon complete an outpatient substance abuse treatment program. In light of U.S. vs. Stephens, the probation officer is requesting the authority to continue random drug testing outside of treatment in order to monitor the subject's compliance. The subject's substance abuse history includes the abuse of alcohol and cocaine prior to his arrest for the instant offense.


Our office supports this request and respectfully recommends the Court modify the mandatory drug testing condition (general condition) to authorize and allow random drug testing to continue for the duration of the subject's supervision term. Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

This report also serves to inform the Court that the CD/CA will accept a transfer of jurisdiction. This transfer will expedite any future matters that may require Court intervention. Should the Court concur with the request to transfer jurisdiction in this case, Your Honor's signature is requested on both originals of Probation Form 22, Transfer of Jurisdiction

Respectfully submitted by,

  
ALYSA K. MAKAHANALOA  
U.S. Probation Officer Assistant

Approved by:

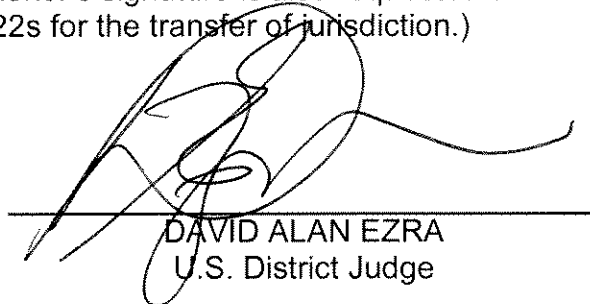
  
TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

Date: 2/8/2007

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THE COURT ORDERS:

- ☒ Concur with Recommendation (Your Honor's signature is also requested on the two original attached Probation Form 22s for the transfer of jurisdiction.)
- ☐ Other

  
DAVID ALAN EZRA  
U.S. District Judge  
2/12/07

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Date

PROB 49  
(5/96)

## United States District Court

### District of Hawaii

#### Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

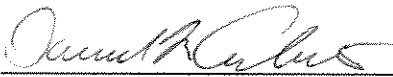
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

☒ [ X ] To modify the conditions of supervision as follows:

General Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision. (mandatory condition).

Witness:

  
DAVID M. CULOTTI  
Senior U.S. Probation Officer

Signed:

  
GERMAN ARCADIA  
Supervised Releasee

11-7-06

Date